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S E C R E T SECTION 01 OF 02 SANAA 000256

SIPDIS

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TAGS: [MARR](#) [MOPS](#) [PREL](#) [PBTS](#) [PHSA](#) [YM](#) [DEMARCHE](#)

SUBJECT: YEMEN MINISTRY OF DEFENSE ON U.S. MILITARY

AIRCRAFT IN INTERNATIONAL AIRSPACE DEMARCHE: WE KNOW THE RULES

REF: A. 03 SANAA 3022

[1](#)B. 03 SECSTATE 327019

Classified By: Charge d' Affaires Alan G. Misenheimer, for reasons 1.5 (a), (b) and (d)

[1](#)1. (s) Summary/comment: DCM and Acting Defense Attach delivered reftel b demarche and diplomatic note to Major General Ali Mohamed Saleh, Deputy Chief of Station for Operations at the Ministry of Defense (MOD) on January 27, with Pol/Econ Chief as notetaker. Major General Saleh had already received the diplomatic note, delivered to the Ministry of Foreign Affairs on December 23 (ref a), and was well-briefed on the issue. Saleh repeated several times that the ROYG did not "deserve" the message in the demarche and diplomatic note because the Yemenis understand that state aircraft are not obliged to notify them of flights through or over international airspace. Although the MOD requested notification of patrols or circular flight patterns, in general they believe the problem is already being addressed by the informal arrangement for U.S. aircraft to respond to hails from Yemeni air traffic controllers (ATC); an arrangement that appears to be honored in practice by U.S. pilots. Some of the MOD response may be attributed to delays in responding officially to the August 26 letter from Yemen's Chief of Defense Staff, Major General Mohammed Ali al-Qassami (ref b). MG Saleh also said, however, that there have been additional incidents in the past month -- which may relate to aircraft not following clear flight paths -- and have been promised a letter documenting the specifics.

[1](#)2. (s) Director for Air Operations Brigadier General Abdul Ghani Bin Audel, Colonel Ismail Awad of Command and Control, Chairman of Yemen's Civil Aviation and Meteorological Authority (CAMA) Hamed Ahmed Farag, and Major Ahmed Alos of the Defense Military Institute, who acted as translator, were also at the meeting. Touching on the issue of a pending review of the status of Sana'a International Airport (i.e., government or private), Saleh and the CAMA Director raised the issue of airport landing and service fees, but did not provide information requested previously concerning a schedule of fees. End Summary/comment.

MOD WANTS ACKNOWLEDGMENT THAT AIRSPACE PROBLEMS ARE BEING ADDRESSED

[1](#)3. (s) Major General Saleh said that he is "very, very, very sorry" that the USG has not said "thank you," because Yemen routinely grants clearances for all flights in domestic or international airspace, and has not acquiesced to Yemen's requests that state aircraft identify themselves. He repeated several times that the ROYG did not "deserve" the letter, a sentiment echoed by other ROYG officials at the meeting. He explained that they are well aware of the international law, but that they would like U.S. state aircraft to identify themselves. (Comment: MG Saleh's remarks do not take into account that there is still not a meeting of the minds on the meaning of flying with "due regard" in international airspace (ref b). End comment).

[1](#)4. (c) Director for Air Operations Brigadier General Audel and Colonel Awad of Command and Control complained that U.S. aircraft do not notify Yemeni ATC of changes to flight plans. Citing safety and the need to control airspace over international and domestic waters in a post-9/11 environment, they requested that pilots identify themselves, particularly when flying patrols or in circular patterns. They insisted that Yemen does not require clearances for aircraft in international airspace, but that they want pilots to respond to ATC calls. A/DATT explained that U.S. aircraft operate under international aviation law and fly with "due regard" for safety and that pilots have been responding to Yemen ATC hails, even though it is not legally required. Major General Saleh acknowledged that there is no need for aircraft to take the initiative to identify themselves, but maintained that it is better if they do so within Yemen's area of responsibility (presumably a reference to Yemen's Flight Information Region (FIR)).

[1](#)5. (c) Major General Saleh also stated that there have been several incidents of airspace violations or changes in flight plans since the demarche was delivered to the MFA on December 23 (ref a), one within the past few days. MOD officers promised to provide a letter, which they claim has already

been drafted, but must be cleared, outlining the specific problems.

SANA'A INTERNATIONAL AIRPORT - NO FEES IF GOVERNMENT CONTROLLED

16. (c) Major General Saleh and CAMA Director Farag both raised the issue of airport fees. Saleh conceded that overflight fees are not an issue, but insisted that the USG should be paying for landing and services. (Note: This is a long-standing issue and relates to a pending airport assessment. CAMA is responsible for Sana'a Airport, but because CAMA is an "independent government agency" dependent on income from airport fees, not ROYG funding, it insists that the airport should be deemed private. End note.) A/DATT and DCM both noted that the USG is reviewing the designation of Sana'a Airport as government-controlled, but that the U.S. has not yet officially received the Yemeni responses to U.S. questions regarding the operation of the airport (Note: Pol/Econ Chief received the responses unofficially from CAMA in December and they have been passed back to Washington through DIA channels). A/DATT made clear that the USG will pay for services only to the extent that such payments are consistent with U.S. policy, which holds that it is improper for one government to tax another government.
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